

Remarks/Arguments

Reconsideration of this application, as amended, is respectfully requested.

Claims 1,3, 4 and 6-8 remain in this application.

Claims 1, 4, 6 and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,006,367 (Thompson et al.). This rejection is thought in error as Thompson et al do not disclose the pivot axis location of the guide element as now defined by claim 1.

Specifically, among other structure, claim 1 requires a crop conveying channel of a harvesting machine to include a wall containing an opening, which is symmetrical about a central axis **aligned with said wall** and through which crop samples may be withdrawn, a guide element shaped **complementary to said opening and being mounted to the conveying channel for pivoting about said central axis** between a sample withdrawal position in which it frees the opening for permitting a crop sample to move through, and projects into the channel so as to deflect crop through, the opening, and a closed position, wherein the guide element **is located within said opening** so as to prevent crop from moving through said opening.

Thomson et al disclose a sampling device including a conduit 3, of rectangular cross section, having a cylindrical valve body 4 welded in place to top and bottom walls of the conduit 3. The valve body is provided with openings 5 and 6 which are aligned with each other and with the interior of the conduit 3 so as to permit particulate material to flow through the cylindrical valve body 4 in a direction crosswise to a central axis of the body 4. The bottom wall of the conduit 3 contains a rectangular opening encompassed by the valve body 4, and a valve plate 10 is mounted to a shaft 9, pivotally mounted for rotation about the central axis of the valve body 4 for movement between a sample withdrawal position, wherein it frees the opening in the bottom wall of the channel 3 for permitting a sample of the particulate material to move through the opening and in which it projects into the channel so as to deflect particulate material through the opening, and a closed position wherein the valve plate blocks the opening.

Thus, it is clear that the pivot axis for the guide element (valve plate 10) of Thompson et al. is not located in alignment with the wall of the conduit 3, but rather is located in the middle of the conduit which has the drawback of creating an obstruction which could cause plugging of the harvested crop. For this reason,

claim 1 is thought to be clearly allowable over Thompson et al., and accordingly it is thought that the proposed amendment should be entered.

Claims 4, 6 and 7, depend either directly or indirectly from claim 1 and are likewise thought allowable.

Claim 8, depends from claim 1, and stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wendte et al. '531 in view of Thompson et al. and, apparently, Strubbe '218 as well. It is respectfully submitted that this rejection is overcome for the same reason that the rejection of claim 1 on Thompson et al. alone is now thought overcome, since neither Wendte et al. nor Strubbe teach the location of the pivot axis, now defined in claim 1

The Examiner considers claim 3 to contain allowable subject matter, and since this claim has been amended to contain all of the limitations of rejected base claim 1, claim 3 is now thought allowable.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.